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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,316	08/27/2003	Takeshi Namikata	00862. 023193.	8282
5514 7590 12/11/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER QIN, YIXING	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,316

Applicant(s)

NAMIKATA, TAKESHI

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to all of the claims have been considered. The first argument is that the Inoue reference (U.S. Patent No. 6,493,462) does not disclose the decision of whether an image is a particular image on a host computer OS and that there is no conversion of an image into a common color space in the host computer. The Examiner agrees with regards to the argument above since the Inoue reference performs various task in a printer.

However, upon further review, the previously cited reference, Murakawa (U.S. Patent No. 7,155,051) discloses an image processing system for detecting matching between an input image and a particular image. The only arguments presented towards this reference is that the Murakawa reference does not show that this is done on OS in a host computer and there is no common color space. However, the Murakawa reference discloses the methods in the Murakawa invention as being able to be run on a program in a computer. This would effectively make it an operating software of the host. (Fig. 2 and column 40-67) Also, the binarizing of the image into a binary image where the RGB bits are represented as ON or OFF. Since the images that the Murakawa invention would process would all be converted into this binarized color space, this binarized color space is considered to be a common color space since all images will have this format after being binarized. (column 4, lines 35-51) The other aspects of the independent claims are also disclosed by Murakawa. Various

other art is used for dependent claims as necessary. This action is therefore final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-8, 9, 11, 12 rejected under 35 U.S.C. 102(e) as being anticipate by Murakawa (U.S. Patent No. 7,155,051).

Regarding claims 1, 8, 11, 14, Murakawa discloses an image processing system having a host computer capable of communicatively connecting an image input-output device, the image processing system comprising:

a color space conversion unit for converting color space of an image which is an input-output target of the image input-output device into a common color space used in operating software of the host computer using a color matching module included in the host computer operating software; (abstract, Fig.4, and column 4, lines 15-51. The input image data is converted into a binary

color space, with bits for a pixel to be set to either ON or OFF. This binary color space is a common color space. As discussed above, the methods discussed in the Murakawa invention can be run on a program on a host computer – Fig. 2. A CPU 201 is a color matching module since it is what would run the program)

a resolution conversion unit for converting resolution of the image which is the input-output target of the image input-output device into a predetermined resolution; (Fig. 4, item S11-S13 and column 4, lines 30-42 that the image is converted to a lower resolution for the purposes of easier detection.)

a determination unit for determining the extent of a match between a particular image and a signal of an image converted into said predetermined color space and predetermined resolution; (Fig. 4, S14-15) and

an image processing control unit for controlling processing of said image based on the extent of the match as determined by the determination unit, (column 5, lines 4-21)

the color space conversion unit, the resolution conversion unit, the determination unit and the image processing control unit being run on the host computer operating software (OS). (Fig. 1, item 1 and Fig. 2)

Regarding claim 2, 9, 12, Murakawa discloses the image processing system according to claim 1, wherein the image processing control unit generates a warning if the extent of the match meets or exceeds a predetermined threshold value. (Fig. 4, item S14, S15 and column 4, lines 52-64, and also column 6, lines 37-45)

Regarding claim 4, Murakawa discloses the image processing system according to claim 1, wherein the particular image is an original image whose reproduction is prohibited. (column 1, lines 19-27)

Regarding claim 7, Murakawa discloses the image processing system according to claim 6, wherein said image input-output device either a scanner that scans an original image or a printer that outputs an image onto a recording medium. (abstract – a copier has a scanner and a printer portion)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakawa (U.S. Patent No. 7,155,051) in view of Official Notice.

Regarding claims 5, 6, Murakawa shows a computer connected to a printer and scanner.

It does not explicitly disclose "the image processing system according to claim 1, further comprising: a driver for the image input-output device that runs on the host computer's software"

However, drivers are well known in the art for the processing of data between various entities, such as between a computer and peripheral devices

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a driver.

The motivation would have been to use a commonly known module for communication between devices

Therefore, it would have been obvious to have included a known module to obtain the invention as specified.

II. Claims 3, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakawa (U.S. Patent No. 7,155,051) and further in view of Inoue et al (U.S. Patent No. 6,144,835 – "Inoue2")

Regarding claim 3, 10, 13, the Murakawa reference discloses methods for prevention reproduction of counterfeit material.

It does not explicitly disclose "a dialog box display unit for displaying a dialog box used for inputting instructions as to whether or not to continue with processing if the extent of the match meets or exceeds the predetermined threshold value;

a record archiving unit for archiving the operating record if an instruction is given to continue with processing in response to said dialog box; and

a discontinuance unit for discarding the image if an instruction is given to discontinue with processing in response to said dialog box.”

However, Inoue2 discloses in Fig. 10, item S107 and 10, lines 34-50 that a third party confirmation may be needed for the reproduction of the bill. Inoue2 points out that a bill recognition signal is sent to the PC 60 for a third party to confirm. Since this information is readily available to the PC, it would have been obvious for one to record it using a well-known techniques such as storing related information in a database. Likewise, it is known to simply discard information that is not needed, if no confirmation is given to proceed with the copying.

The Murakawa and Inoue2 references are combinable because they are in the art of prohibition of copying of counterfeit material.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a dialog box to warn users of potential illegal copying and to keep track of the actions taken.

The motivation would have been to give an user a warning prior to image reproduction and to keep track of situations of potential illegal activity.

Therefore, it would have been obvious to combine Murakawa and Inoue2 to obtain the invention as specified.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

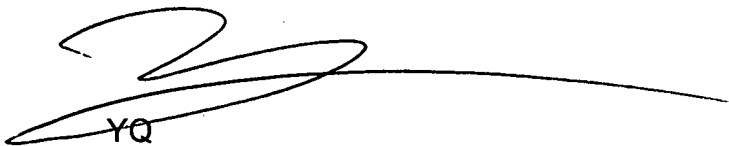
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

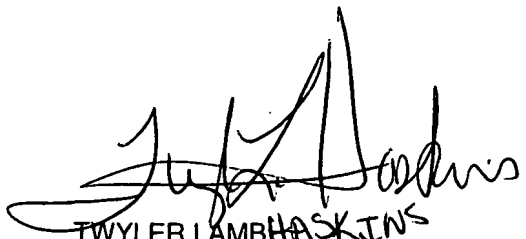
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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



YQ



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